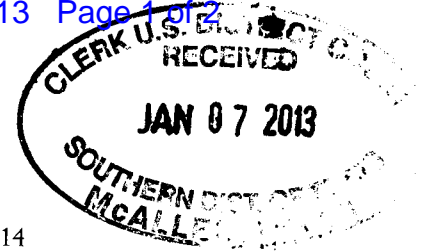


**TUCKER ELLIS LLP**  
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January 3, 2013

The Honorable Micaela Alvarez  
United States District Court  
Southern District of Texas  
1701 W. Bus. Hwy. 83  
McAllen, TX 78501

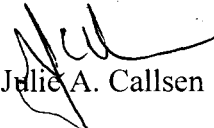
**Re: *Petra Rojas v. Wyeth, LLC, et al.*, Civil Action No. 7:12-cv-00193**

Dear Judge Alvarez:

In accordance with the Court's request at the pretrial conference held on September 25, 2012, Defendant Actavis Elizabeth LLC submits this update to the court. The Fifth Circuit has entered an Order (attached) determining that its decision *Demahy v. Schwarz Pharma, Inc.*, No. 11-31073, \_\_\_ F.3d \_\_\_, 2012 WL 6698692 (5th Cir. Oct. 25, 2012), previously cited as supplemental authority by Defendants Actavis Elizabeth LLC and Teva Pharmaceuticals USA, Inc. (Doc. 32), should be published. This decision now carries precedential weight with regard to Defendants Actavis Elizabeth LLC, individually and as successor in interest to Purepac Pharmaceutical Co. (erroneously identified as Purepac Pharmaceuticals), and Teva Pharmaceuticals USA, Inc.'s (the "Generic Defendants") Motion to Dismiss that was filed on or about August 17, 2012 (Doc. 32).

Respectfully,

✓ TUCKER ELLIS LLP

  
Julie A. Callsen

JAC:llw  
Enclosure

cc: Iris Belmares, Court Coordinator  
Kathryn Snapka, Esq.  
Thomas Henry, Esq.  
Carla Pasquale, Esq.  
Richard Oetheimer, Esq.  
Richard Dean, Esq.  
Michael Logan, Esq.  
Michael A. Walsh, Esq.

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE  
NEW ORLEANS, LA 70130

December 21, 2012

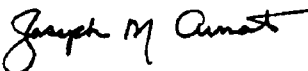
MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 11-31073 Julie Demahy v. Wyeth, Incorporated, et al  
USDC No. 2:08-CV-3616

Please be advised that Appellee's Motion To Publish the Court's  
October 25, 2012 Opinion has been granted by court directive.

Sincerely,

LYLE W. CAYCE, Clerk

By: 

Joseph M. Armato, Deputy Clerk  
504-310-7651

Mr. Henninger Simons Bullock  
Mr. Andrew Jonathan Calica  
Mr. Richard Alan Dean  
Mr. Terrence J. Donahue Jr.  
Mr. Brian Leonard Glorioso  
Ms. Megan Haggerty Guy  
Ms. Irene Childress Keyse-Walker  
Ms. Kristen Lepke Mayer  
Mr. James Michael McDonald  
Mr. Gregory Fortier Rouchell  
Ms. Elizabeth Haecker Ryan  
Mr. Kannon K. Shanmugam  
Ms. Kristine K Sims  
Mr. Martin A. Stern  
Mr. Richard Alvin Tonry II